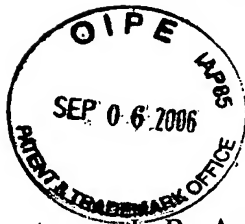


06-08-06

Hand

DOCKET NO.: AM101277/WYNC-2142

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 7281

Reinhardt B. Baudy and John A. Butera

Application No.: 10/820,216

Group Art Unit: 1624

Filing Date: April 7, 2004

Examiner: Brenda Libby Coleman

For: **Derivatives of [2-(8,9-Dioxo-2,6-diazabicyclo[5.2.0]non-1(7)-en-2-yl)
Alkyl]Phosphonic Acid And Methods Of Use Thereof**

EXPRESS MAIL LABEL NO: EV 765639905 US
DATE OF DEPOSIT: September 6, 2006

EV765639905US

☒ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated June 6, 2006.
- ☐ A Reply Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Assignee Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☒ a copy of Trujillo Abstract; copies of The NMDA receptor complex: a long and winding road to therapeutics reference; Glutamatergic neurotransmission modulators as emerging new drugs for schizophrenia reference; Glutamate and anxiety reference; NMDA receptors as targets for drug action in neuropathic pain reference; N-methyl-D-aspartate receptor (NMDA) antagonists as potential pain therapeutics reference; Excitatory amino acid antagonists and their potential for the treatment of ischaemic brain damage in man reference.
- ☐ Other
- ☒ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

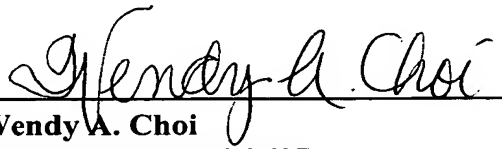
| | | | | SMALL ENTITY | | NOT SMALL ENTITY | |
|--|---------------------------------|-----------------------|-------|---------------|-------|------------------|-------|
| | REMAINING AFTER AMENDMENT | HIGHEST PAID FOR | EXTRA | RATE | FEE | RATE | FEE |
| TOTAL CLAIMS | 29 | 29 (20 MINIMUM) | 0 | \$25 EACH | \$ | \$50 EACH | \$0 |
| INDEP. CLAIMS | 8 | 8 (3 MINIMUM) | 0 | \$100 EACH | \$ | \$200 EACH | \$0 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT | | | | \$180 | \$ | \$360 | \$0 |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME | | | | \$60 | \$ | \$120 | \$0 |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | | | | \$225 | \$ | \$450 | \$0 |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | | | | \$510 | \$ | \$1020 | \$0 |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | | | | \$795 | \$ | \$1590 | \$0 |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME | | | | \$1080 | \$ | \$2160 | \$0 |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | | | | minus | (\$) | minus | (\$0) |
| <input type="checkbox"/> TERMINAL DISCLAIMER | | | | \$65 | \$ | \$130 | \$0 |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: | | | | | | | |
| TOTAL FEE DUE | | | | | \$ | | \$0 |

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00 . This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of _____ to and through _____ comprising an extension of the shortened statutory period of _____ months.

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: September 6, 2006


Wendy A. Choi
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DOCKET NO.: AM101277/WYNC-2142
Application No.: 10/820,216
Office Action Dated: June 6, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Reinhardt B. Baudy and John A. Butera

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 C.F.R. § 1.111

In response to the Official Action dated **June 6, 2006**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims that begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 16 of this paper.